

HAMPTON PLANNING BOARD - MINUTES

August 7, 2002

PRESENT: Thomas J. Gillick, Chairman
Sharleene Hurst, Vice Chairman
Tom Higgins, Alternate
Peter Olney *
Dan Trahan, Alternate
Bob Viviano
Jim Workman, Selectmen Member
Jennifer Kimball, Town Planner

ABSENT: Jack Lessard
Keith Lessard

Mr. Gillick called the meeting to order at 7:00 p.m. and introduced the members in attendance. Mr. Gillick requested a motion to reorder the agenda.

Mr. Trahan **MOTIONED** to authorize the Chair to reorder the agenda as required. Mrs. Hurst **SECONDED**. **VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Hurst called item 3, 5 and 6 under New Public Hearings.

II. NEW PUBLIC HEARINGS

3. Margaret M. and Edward O. Carlman III
Special Permit Application for demolition of existing structure and replace with a 24' x 28', 2-story colonial within the Wetlands Conservation District at 5 Chase Street
Map 274, Lot 59
Owners of Record: Same as Above
5. Thomas J. Gillick, Jr.
Site Plan Review to combine two existing lots of record into one and replace an existing structure with a single dwelling unit (for a total of 3 dwelling units on site) at 17 & 19 Gill Street
Map 210, Lot 33 and Map 223, Lot 17
Owner of Record: Same as Above
6. Thomas J. Gillick, Jr.
Special Permit for work within the Wetland Conservation District associated with Site Plan Application at 17 & 19 Gill Street
Map 210, Lot 33 and Map 223, Lot 17
Owner of Record: Same as Above

Mr. Viviano **MOTIONED** to postpone the above applications to August 21, 2002. Mrs. Hurst **SECONDED**. **ABSTAIN: Mr. Higgins. VOTE: Yes - 5. Abstain - 1 (Gillick). MOTION PASSED IN THE AFFIRMATIVE.**

III. ATTENDING TO BE HEARD

1. APEX Realty Trust
Change of Use from real estate office to retail sales and
installation of automotive electronic equipment at
32 Stickney Terrace
Map 189, Lot 003
Owner of Record: Apex Realty Trust – Florian Kozinczak

No one was in attendance for the above application. Mrs. Hurst called the next item on the agenda.

2. Independent Wireless One Corporation
Installation of telecommunication facility on roof of existing structure at
81 Ocean Boulevard
Map 293, Lot 23
Owner of Record: 3K Realty Corporation

Mr. Gillick stated that this is the first application of this kind, and it is important for the Board to establish a precedent here. Mrs. Kimball added that this application does not fall into an established category under the Site Plan Review Regulations of the Town of Hampton Planning Board. However, in those regulations there are requirements and guidelines for telecommunications facilities and commercial antennas, that can be waived by the Board. The applicants wish to discuss their proposal, what the Zoning Board granted, and request that the Planning Board waive any requirement for further review based on the information provided.

Mr. Brad Cohen, representing Independent Wireless One Corporation (IWO) an affiliate of Sprint PCS, and Attorney John Springer addressed the Board. Mr. Cohen stated that a variance was granted by the Zoning Board of Adjustment on July 18, 2002. The facility is a personal wireless service facility (a/k/a a telecommunications facility), rooftop installation and not a traditional tower, located on the roof of Guido Murphy's Restaurant. There will be a small 4'x4'x6' fiberglass enclosure, 39 feet in height, the same color as the building, to house the antennas. There will be no construction or additions at ground level, no addition to the footprint of the building, and no extension from the roofline of the building, lights or advertising. This will be a one-carrier facility (Sprint).

Mr. Olney entered the meeting at this point (7:10 pm).

Mr. Viviano **MOTIONED** to waive the requirements of Section IX of the Site Plan Regulations. Mrs. Hurst **SECONDED**. **VOTE: All. MOTION PASSED IN THE AFFIRMATIVE.**

1. APEX Realty Trust
Change of Use from real estate office to retail sales and
installation of automotive electronic equipment at
32 Stickney Terrace
Map 189, Lot 003
Owner of Record: Apex Realty Trust – Florian Kozinczak

Mr. Florian Kozinczak and Rick Rynerson addressed the Board. Mr. Kozinczak stated that he is requesting a change of use for one of the units at 32 Stickney Terrace from a real estate office to a retail facility and an additional 26' x 30' two-bay garage to be added for the installation of automotive electronic equipment.

Mrs. Kimball stated the request for the addition of the garage may require Site Plan Review because it would require expansion of the present facility. However, this item was already on the agenda, and the Board may choose to waive the Site Plan Review requirement and the applicant requested to discuss.

The other 3 units are residential. Parking requirements have been met. The property meets all the setback requirements. Mr. Kozinczak stated that the proposed location of the 2-bay garage is currently paved, so there should be no drainage issues. The garage will be on a concrete slab. The work being done will be by appointment, and the technician will pick up and deliver the vehicles from the car dealership to the site.

Mr. Viviano **MOTIONED** to grant the Use Change from real estate office to retail sales and installation of automotive electronic equipment at 32 Stickney Terrace, Map 189, Lot 003, and to waive the Site Plan Review requirements for the construction of a 26' x 30' 2-bay garage. Mrs. Hurst **SECONDED**. **VOTE:** 6 - Yes. 1 - No (Olney). **MOTION PASSED IN THE AFFIRMATIVE.**

Mrs. Hurst read the next 2 items on the agenda.

I. CONTINUED PUBLIC HEARINGS

1. Phil Serowik, WCV INC.
Site Plan Review to construct a 6-unit condominium at
9-11 & 17 K Street
Map 293, Lots 19 & 20
Owner of Record: Same as above
Waiver Requested: Section VIII-D, Site Plan Regulations (Storm Drainage)
Jurisdiction taken 02/06/02, extended by applicant

II. NEW PUBLIC HEARINGS

1. WCV, Inc.
Site Plan Application to construct two (2) 6-unit residential
condominium buildings with onsite parking and drainage at
9-11, 17 & 19 K Street
Map 293, Lots 18, 19 & 20
Owner of Record: Same as Above

Attorney Craig Salomon, Phil Serowik, President of WCV Inc. and Scott Frankowitz, of Beals Associates addressed the Board. The applicant acquired a third adjacent lot and wishes to withdraw the first application in order to construct (2) 6-unit buildings, with parking underneath, central driveway from K Street, and additional parking in the rear. The Zoning Board of Adjustment has granted variances, including minimum lot area per dwelling area, minimum side setback and several multi-family regulations, recreation area, driveway and parking areas and buffer. Mrs. Kimball requested that the applicant recalculate the percent of sealed surface.

Attorney Salomon discussed the reason for the delay in coming back to the Board; an abutter requested a rehearing before the Zoning Board which was denied. The applicant met with the abutter, Mr. Mercier and reached an agreement with him. The applicant proposes a retaining wall along the entire southerly property line, 4 feet in height and a 6 foot vinyl fence on top of that to insure there will be no drainage runoff. Along the front on K Street, there will be a picket fence, as well as 6-foot vinyl fencing along the other sides of the property. The condominium association will maintain the fence.

The points mentioned in Mrs. Kimball's July 31, 2002 memo were discussed at length. Snow will be removed from the site. Trash will be curbside pickup and will be addressed in the condo docs. Mr. Gillick requested that a designated location of any future dumpster be noted on the plan. Mr. Higgins and Mr. Olney expressed concerns about entrance to the parking spaces and the ability to make turns. The Board expressed concern regarding the parking and Mrs. Kimball offered to work with the applicant on these issues. Mr. Viviano felt it was a dense use of this property. Mr. Frankowitz stated that tests pits and a ground water mounding analysis have been done on the property. Mr. Higgins asked if the additional abutter was aware of this application. Mr. Salomon stated that he was notified.

OPEN PUBLIC HEARING. No comment. SUSPEND PUBLIC HEARING.

Mr. Trahan **MOTIONED** to accept jurisdiction of Site Plan Project #NH045, rev. 8/5/02 to construct two (2) 6-unit residential condominium buildings with on-site parking and drainage at 9-11, 17 & 19 K Street, Map 293, Lots 18, 19 & 20 subject to:

1. Departmental reviews;
2. Independent engineering review;
3. Continue to September 18, 2002.

Mr. Olney **SECONDED. VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Attorney Salomon formally withdrew the application for a 6-unit condominium building at 9-11 and 17 K Street, and noted that he will follow up with a written letter to the Board.

I. CONTINUED PUBLIC HEARINGS

2. John and Linda George
Special Permit to remove existing paved area, construct a perimeter fence and deck addition within the Wetland Conservation District at
487 Winnacunnet Road
Map 222, Lot 111
Owner of Record: Same as Above

Mr. Trahan noted that he is friends with the applicant and asked if he should step down. No one had a concern.

John and Linda George addressed the Board. They are requesting a Special Permit to remove an existing paved area, to construct a 30' x 20' perimeter fence, an addition to the deck, for a total deck size of approximately 10' x 22', with steps to the deck. Mr. Gillick read memo dated July 24, 2002 from the Conservation Commission, which recommended granting the permit with conditions.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to approve the Special Permit to remove existing paved area, construct a perimeter fence and deck addition within the Wetland Conservation District at 487 Winnacunnet Road, Map 222, Lot 111 subject to:

1. Conservation Commission memo dated July 24, 2002;
2. Revised plan to show location of fence.

Mr. Viviano **SECONDED. VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Hurst read the next item on the agenda.

3. US Gas

Site Plan Review to construct a convenience store/gas station with six gas pumps, one diesel pump and associated parking and Conditional Use Permit Request (Section 2.5.4.F.1) at 639 Lafayette Road
Map 126, Lots 22 & 25
Owner of Record: Wallace Chevrolet, Inc.

Attorney Peter Saari, Wayne Morrill, engineer, Wayne Lucier, applicant and Steve Pernaw, traffic engineer addressed the Board.

Mrs. Kimball updated the Board on the application. The drainage report and transportation impact analysis report have been provided to the Board. The applicant is making some proposed changes to the plan and will discuss tonight prior to independent review. Attorney Saari stated that the new plans call for a third lane on Kershaw Avenue to allow for traffic flow. This lane will allow for one right-turn/through lane, one left-turn lane and the third is the existing east-bound lane onto Kershaw. Entrance and exit for southbound traffic on Lafayette will be from Kershaw Avenue. With the addition of the new lane, the Lighthouse structure will be removed to keep with the amount sealed surface approved by the ZBA. Mrs. Kimball stated that the application is now complete, and the Board can take jurisdiction. Mrs. Kimball has contacted Vanesse & Associates regarding the transportation impact analysis report for independent review, but the applicant has made some changes, so Mrs. Kimball has placed that review on hold until the Board reviewed the plans to determine if the analysis is sufficient or needs changes. Mr. Gillick added that Route 1 is very busy and traffic and businesses along Route 1 is increasing.

OPEN PUBLIC HEARING. No comment. SUSPEND PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to accept jurisdiction of Site Plan, JBE Project # 01137 subject to:

1. Departmental reviews;
2. Independent engineering review;
3. Independent traffic review of the submitted impact analysis report;
4. Aquarion Water review of the Conditional Use Permit;
5. Continue to September 18, 2002.

Mr. Viviano **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Hurst read the next item on the agenda.

V. CORRESPONDENCE

The Board received correspondence from John Hangen, Public Works Director regarding Ross Colony/Winnacunnet Road Elderly Housing, performance guarantee. They have reviewed the estimate and recommend that a bond be posted in the amount of \$95,000.

Mr. Workman **MOTIONED** to approve set the surety at \$95,000. Mr. Viviano **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mrs. Hurst read the next item on the agenda.

II. NEW PUBLIC HEARINGS

2. Hampton Conservation Commission
Special Permit Application to develop a handicapped accessible
boardwalk facility within the Wetlands Conservation District at
184 Island Path Road
Map 281, Lot 1
Owner of Record: Town of Hampton

Mr. Gillick read the Conservation Commission memo dated July 24, 2002. Mr. Gillick stated that the Board will be discussing tonight is the Special Permit to perform work on this land located in the Wetlands. The Board will not granting final approval of this use, as the Board of Selectmen will be responsible for that approval. This land is owned by the Town of Hampton, in the care of the Conservation Commission.

Mrs. Ellen Goethel addressed the Board. She stated that the intent of the project is to provide an independent accessible boardwalk and observation platform along the salt marsh for educational opportunities, with parking for 4 cars. The paths, boardwalk and observation decks will all be built following the natural contours of the area. There will be educational plaques along the paths, as well as plaques educating people to the use of the property and parking. The area will be closed from dusk until dawn. The proper erosion control will be in place during all construction, and all State and Shoreland Protection requirements will be met. The Conservation Commission has acquired a grant from the NH Coastal Program and money from a private local company (\$15,000 from Foss Manufacturing).

OPEN PUBLIC HEARING. Public comment.

Jim Keefe on behalf of Pat Fraser, 184 Island Path, Hampton: Mr. Keefe read a letter from Mrs. Keefe who could not attend due to an illness. The correct address of the property is not 184 Island path. Mrs. Fraser has concerns about traffic and noise, and is opposed to the application.

Mr. Gillick stated that he and Mrs. Kimball researched RSA 676:4 and read the final paragraph.

"The Planning Board's procedures shall not be subjected to strict scrutiny for technical compliance. Procedural defects shall result in the reversal of a Planning Board's action by a judicial action only when such defects create serious impairment for opportunity for notice and participation."
Mr. Gillick suggested to the Board that no serious impairment has resulted. The Board is able to hear this application.

Virginia Nardone, 1 Batcock Avenue, Hampton: Mrs. Nardone expressed concerns about parking, noise, available funds to complete the project, and requested that the Board deny this application. She discussed concerns about the site being an old dump. Mr. Gillick read a memo from John Hangen concerning glass and other debris penetrating through the site to the top as well as ground water contamination issues.

Mr. Viviano reiterated that the final approval for this project is up to the Board of Selectmen, not the Planning Board.

Michael McDermott, 141 Island Path, Hampton: Mr. McDermott is opposed to the granting of the Special Permit. He discussed at length his concerns over safety of the site. He provided the Board with several photos showing waste on site. He stated that Mr. Kemp had visited the Island Path site, and that Mr. Kemp found medical waste on Island Path lot in April, 2002.

Mr. Charles Preston, 47 Glade Path: Mr. Preston spoke in favor of the application.

Mrs. Goethel commented that technically the Conservation Commission did not need to come before the Planning Board. They could have applied for an expedited trails application from the State. She does not feel that this will be a hazard, is very aware of public concern, and that the project does not present any type of endangerment or cost to the Town. The Town has not expended any funds for this project, but they have used the grant from the Office of State Planning. Additional grants will need to be obtained to complete construction.

Bonnie Searle, 16 Penniman Lane: Mrs. Searle spoke in favor of the Special Permit and thanked Mr. Gillick for visiting the site, and the entire Board for allowing her the opportunity to speak on behalf of this application. There are beautiful marsh views which the public can not access by automobile. The nearest parking area is east of Brown Avenue. The limited 4 parking spaces are key for the public to enjoy the area.

No further comment. CLOSE PUBLIC HEARING.

Mrs. Hurst **MOTIONED** to approve the Special Permit for improvements as detailed on plan 01-056, revision #2 dated June 25, 2002, within the Wetlands Conservation District off Island Path, Map 281, Lot 1 subject to:

1. NH DES Wetland Permit
2. Proper sediment & erosion control during construction;
3. All required State and Federal permits must be obtained and provided to the Planning Board and Board of Selectmen;
4. Final approval granted by Board of Selectmen;
5. All permits obtained prior to construction.

Mr. Olney **SECONDED. ABSTAIN:** Mr. Workman. **VOTE:** 6 - Yes. 1 - Abstain (Workman).
MOTION PASSED IN THE AFFIRMATIVE.

Mrs. Hurst read the next item on the agenda

4. Timothy and Judith Healy
Special Permit for demolition of existing residential structure and subsequent construction of a new single family residence within the Wetlands Conservation District at
1 Meadow Pond Road
Map 168, Lot 74
Owners of Record: Same as Above

Mr. Timothy Healy addressed the Board. He would like to replace the existing structure with a new home. Mr. Gillick read memo from the Conservation Commission dated July 25, 2002 which recommends granting the permit.

OPEN PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING.

Mr. Olney **MOTIONED** to approve the Special Permit for demolition of existing residential structure and subsequent construction of a new single family residence within the Wetlands Conservation District at 1 Meadow Pond Road, Map 168, Lot 74 subject to subject to the Conservation Commission memo dated July 25, 2002.

Mrs. Hurst **SECONDED. VOTE: All. MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Olney left the meeting at this point (9:45 pm). Mrs. Hurst read the next 2 items on the agenda.

7. Saxonville Wholesale Lumber
Site Plan Review to construct retail space including building and parking at
570, 578 & 580 Lafayette Road
Map 144, Lot 2 & Map 126, Lots 40 & 49
Owner of Record: Same as Above
8. Saxonville Wholesale Lumber
Minor Lot Line Adjustment at
Lafayette Road
Map 126, Lots 40 & 50
Owner of Record: Same as Above

Mr. Ken Berry, Beals Associates, and Scott Cole, Project Manager addressed the Board. Mr. Berry handed the Board packets, including a letter of authorization from an abutter. He pointed out that the Board can take no action tonight on the boundary line revision due to an administrative error where not all of the parcels impacted were listed, and three abutters were not noticed. Mr. Berry offered to submit a revised abutters' list. Mrs. Kimball suggested that Mr. Berry withdraw this application and resubmit the new application to be heard with the Site Plan in September.

Mr. Berry stated that the location contains 3 parcels of land, with a proposed 2-story building, 6,000 square feet each. The first floor will be for retail sales, the second floor will be office space, with 50 parking spaces, (20 for customers, and 30 for employees, for a total of 53 parking spaces). The drainage analysis routes the water through leaching catch basins to a detention pond on the back of the property, within sand and gravel areas. There are no wetlands on the property. The discharge from the detention pond is completely through the sand and gravel. The soil scientist could from their office could not find a seasonal high water table. The 3 to 1 side slope is from a reclaimed sand and gravel pit site. There are a number of catch basins on the site. The proposed dumpster will be fully screened. There are currently 2 curb cuts on to Lafayette Road. The applicant intends to abandon one of those and widen the second curb cut. The details of the detention pond can be worked out with Mr. Chagnon. Mr. Gillick stated that the Board will require a letter from the NH DES Dam Bureau indicating whether or not a permit is needed for the pond. Mrs. Kimball stated that she spoke with the Dam Bureau and they indicated this is a unique situation, and if a plan was faxed to them, they could make a determination.

Mr. Berry discussed landscaping plans, lighting, and utilities and other points in Mrs. Kimball's August 5, 2002 15-point memo. Mr. Berry stated that he can provide a traffic impact analysis if the Board wishes. He can provide a traffic generation plan from the ITE Traffic Generation Manual using a general civil engineer's method. Mr. Gillick stated poled the Board which agreed that the Board would definitely require a traffic impact study which may be sent out for independent review.

OPEN PUBLIC HEARING. Public comment.

Tom Horton, 564 Lafayette Road, Hampton: Mr. Horton had concerns regarding setbacks, building size, and privacy screening between Saxonville Lumber and his property.

No further comment. SUSPEND PUBLIC HEARING.

Mr. Trahan **MOTIONED** to approve the applicant's withdrawal of the above application and resubmit for the September 18, 2002 Planning Board meeting. Mr. Viviano **SECONDED**. **VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Trahan **MOTIONED** to accept jurisdiction of Site Plan to construct retail space including building and parking at 570, 578 & 580 Lafayette Road, Map 144, Lot 2 & Map 126, Lots 40 & 49, Project #NH049 subject to:

1. Departmental reviews;
2. Independent engineering review;
3. Aquarion Water review of project;
4. Continue to September 18, 2002.

Mr. Viviano **SECONDED**. **VOTE:** All. **MOTION PASSED UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES – JULY 17, 2002

The minutes will be voted on at the next meeting.

VI. OTHER BUSINESS

None.

Mrs. Hurst **MOTIONED** to adjourn. Mr. Higgins. **SECONDED**: **VOTE:** All. **MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Respectfully Submitted,
Maryann Brickett,
Planning Board Secretary